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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,582	09/19/2003	Thomas E. Creamer	BOC9-2003-0022 (391)	6447
40987	7590	05/02/2007		
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER LANEAU, RONALD	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			05/02/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/665,582

Applicant(s)

CREAMER ET AL.

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. The amendment filed on 02/05/07 has been entered. Claims 1-29 remain pending in this application.

***Claim Rejections - 35 USC § 101***

2. The 101 rejection made in previous action has been overcome by Applicant's amendments.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 5, 8-21 and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boukobza et al (US 6,122,664).

As per claims 1, 11-17 and 20, Boukobza discloses a method for computing within a grid environment (col. 4, lines 64-67; agents are installed ... in the nodes to be monitored) comprising the steps of: identifying a host software object operating in one grid of said grid environment; creating a ghost software agent within said one grid (col. 2, lines 20-37); associating said software object with said host software object, wherein said ghost software object is configured to replicate and record at least one action of said software object (col. 2, lines 29-31; each agent comprises a plurality of specific modules specific to the different object

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type or to a particular domain and col. 6, lines 30-34; log files of the actions of each node monitored); recording said replicated actions; moving said associated ghost software object from one grid within said grid environment to another grid; and, in response to said moving of said host software object (col. 6, lines 30-34). Boukobza does not explicitly disclose moving software object from the one grid to another grid but it would have been obvious to one of ordinary skill in the art to utilize a software program that moves the different grids from one another as claimed because it would provide more accurate information concerning the allocation of the grid resources for individual system accessing the grid.

As per claims 2, 16 and 21, the software system as disclosed by Boukobza comprises a user object as claimed.

As per claim 5, Boukobza discloses the steps of: determining a location for logging data that is external to ghost software object; and, said associated conveying at least one replicated and recorded action by said ghost software object to said determined location (col. 6, lines 30-34; log files of the actions of each node monitored).

As per claims 8-10 and 23-27, the method as taught by Boukobza would provide the steps of: selecting a plurality of host software objects; for each selected host software object, repeating said associating step, said replicating step, and said recording step; and, modeling behavior of at least a pad of said grid environment using data obtained from a plurality of ghost software objects associated with selected of plurality of host objects; the steps of: disassociating said ghost software object from said host software object; and, associating said previously associated software object with a different host software object; further comprising the steps of: cloning

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said associated software object to create a copied object; and, associating said cloned object with a different host software object (col. 4, line 36 to col. 5, line 17).

As per claims 18, 19, 28 and 29, Boukobza discloses a ghost agent that comprises means for linking said ghost agent with said host software object; means for disassociating said ghost agent from said host software object; and, means for linking said disassociated ghost agent to a different host software object (col. 4, line 63 to col. 5, line 6).

5. Claims 3, 4 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boukobza et al (US 6,122,664) in view of Okada (US 6,419,577 B1).

As per claims 3, 4 and 22, Boukobza does not disclose a multi-player gaming system but Okada disclose a computing system wherein said user object represents a player of a distributed multi-player gaming system, said recording step further comprising the step of: recording actions taken by a user represented by said user object within said distributed multi-player gaming system; wherein said replicated actions are passive actions, said method further comprising the step of: preventing at least one replicated action by said ghost software object from operationally executing in said grid environment (see abstract, fig. 2).

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boukobza et al (US 6,122,664) in view of Talwar et al (US 2004/0139202 A1).

As per claims 6 and 7, the same rejection to claim 1 applies. Boukobza does not disclose an authenticating method associated a software object within a grid but Talwar discloses a method comprising the steps of: authenticating said ghost associated software object within said

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another grid; and, enabling said ghost associated software object to automatically enter said another grid based upon said authenticating step; further comprising the steps of: generating a new action within said ghost software object; and, replicating said new action within said associated software object (page 1, [0005]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the authenticating method as taught by Talwar into the method of Boukobza because it would provide a method for grid access control and account management on an interactive control.

### ***Response to Arguments***

7. Applicant's arguments filed on 02/05/07 have been fully considered but they are not persuasive.

Applicant argues that Boukobza fails to teach a single autonomous agent being associated with each software object. And further mentions that Boukobza instead discloses a single autonomous agent being associated with a single node or grid, not a single software object within the node or grid. (See, e.g., Col. 2, lines 20-37). Nothing prevents the system of Boukobza from being associated with a plurality of software agents as claimed. Furthermore, Applicant argues that Boukobza fails to disclose recording actions of a software object as the software object traverses various grids or nodes. In response to Applicant's arguments, Boukobza's system can collect information or data about the performance of the node and therefore is capable of recording the actions of a software object as claimed. Applicant's other arguments are similar to

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the ones addressed in this response to the Applicant's arguments and therefore are moot. Claims 1-29 are finally rejected.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

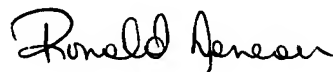
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ronald Laneau  
Primary Examiner  
Art Unit 3714

4/28/07

rl